



**STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE
LOS ANGELES COUNTY
BUSINESS LICENSE COMMISSION**

**500 WEST TEMPLE STREET, ROOM 374-A
LOS ANGELES, CALIFORNIA 90012**

Wednesday, October 26, 2011

9:00 AM

Present: President Afriat, Vice President Campbell, Secretary Vasquez
and Commissioner Lee

Excused: Commissioner Barger, Vice President Campbell at 11:30 a.m.

I. ADMINISTRATIVE MATTERS

1. Call to Order. (11-4634)

The meeting was called to order by President Afriat at 9:04 a.m.

2. Pledge of Allegiance. (11-4635)

The Pledge of Allegiance was led by President Afriat.

3. Approval of Minutes from Meeting of October 12, 2011. (11-4636)

**On motion of Vice President Campbell, seconded by President Afriat, the
minutes of October 12, 2011 were approved.**

Ayes: 4 - President Afriat, Vice President Campbell, Secretary
Vasquez and Commissioner Lee

Attachments: [SUPPORTING DOCUMENT](#)

II. PUBLIC HEARING

Note: President Afriat called Agenda No. 5 before Agenda No. 4.

4. Hearing on recommendation to deny Public Eating Business License
ID #133203 for Rosa Delgado, Alma's Café & Bar, located at
3837-39, Whittier Blvd., CA 90023 in the First District. (11-4034)

**Cristina Hernandez, Treasurer and Tax Collector's Office (TTC), reported
that the license renewal is being recommended for denial by the Sheriff's
Department.**

Deputy Scott Hennessy, Sheriff's Department provided five years of historical data from the year 2006 through 2011 as requested by the Commission, he added that the history of reports date back 14 years. Deputy Hennessy explained that Alma's Café and Bar is divided by two addresses with an adjoining wall.

The information was summarized as follows:

- 36 Calls for service
- 92 Observations by Sheriff's Deputies
- 38 Arrests at the location for sales, possession or under the influence of narcotics. An estimated 6 of the 38 were for sales.
- 22 Arrests, cites or contacts with drunken individuals
- 7 Assault reports, this includes fights in the bar
- 6 Arrests for warrants
- 18 Calls for any type of disturbance in the bar
- 2 Inspections

A discussion ensued regarding the time span of the information from Deputy Hennessy. The Commission determined that 2007 through 2011 would be considered. President Afriat reminded the Commission that when deliberating to take into consideration that Deputy Hennessy's statistical summary may vary slightly due to a portion of the information being from the year 2006.

Deputy Hennessy continued his report and explained the process of making a narcotic arrest and pointed out that the statistics he provided are not overlapping and are independent categories. He clarified for the Commission that the arrests in his reports were made inside the bar or of patrons exiting the bar.

Deputy Hennessy continued his testimony and provided details of some of the reports gathered. He described an arrest made in 2007 of a 20 year-old gang member arrested inside the bar for under the influence of narcotics and a second arrest also inside the bar for possession for narcotics sales.

He referenced an incident report that was taken at a hospital from an employee of Alma's Café & Bar being treated for injury from an assault at the business location.

Deputy Hennessy stated Rosa Delgado (owner) was arrested for possession for sales of narcotics in the year 2007. During the search the owner lied about access to the room where the narcotics were recovered. A gun registered to her was also confiscated. He added that the owner was convicted of a felony charge and is currently on probation. During the same year, Ms. Delgado was a victim of a home invasion robbery and kidnapping. One of the suspects admitted to detectives that there was prior knowledge of narcotics being sold at the bar and the purpose of the robbery was to steal money and narcotics from Ms. Delgado's home. Narcotics were not found at her home.

Deputy Hennessy detailed findings of an inspection of the business in the year 2007 which included Public Works, Building and Safety Division, Department of Alcohol Beverage Control (ABC), Sheriff's and Regional Planning departments. This inspection found several code violations. Ms. Delgado was ordered to bring the business up to code.

An inspection on September 29, 2011 by the Sheriff's Department revealed that the business had not complied as instructed in the 2007 inspection. During this inspection, the Sheriff's observed employees emptying trash cans filled with empty beer cans. Deputy Hennessy added that Ms. Delgado's alcohol license had been revoked by ABC on August 4, 2011 and it appeared from the empty beer cans that Ms. Delgado was not in compliance. He also described the employees as uncooperative when they could not locate the key to the storage room. The Sheriff's were told they could conduct the inspection from the rooftop and enter through the skylight to gain access to the storage room. They observed beer cans which appeared to have just been taken out of a freezer. They also found drug paraphernalia on the rooftop.

Armando Chavira, Attorney for of Rosa Delgado, clarified that the ABC license was confiscated from the owner on September 15, 2011 and the revocation does not take effect until the notice is physically posted by ABC. In response to the Sheriff's inspection, he stated that ABC does not have jurisdiction of alcohol for personal consumption and confirmed that under ABC's regulations alcohol cannot be given away as a benefit to the business. A discussion ensued regarding the rules and requirements of ABC licensing.

During the inspection, Building and Safety Division found unpermitted structural additions as well as code violations. These additions were

made without approval from the Department of Regional Planning. Deputy Hennessy presented photos taken during the inspection as evidence to the findings.

Ms. Hernandez, TTC reported receiving calls inquiring about the license and observed signage that the business offers Karaoke entertainment which requires a separate entertainment license and provided a picture taken from the recent inspection.

Mr. Chavira pointed out that the location of Alma's Café is in a rough neighborhood with another bar and liquor store in the same vicinity. He argued that six of the ten arrest reports in 2011 were not related to Alma's Café. Ms. Delgado argued that the assault on an employee did not take place at her bar but, at the nearby Tiki Bar and the victim was not an employee of Ama's Cafe & Bar. Mr. Chavira expanded on this stating that the Tiki Bar and Alma's Café location are sometimes confused and reported incorrectly. Deputy Hennessy recited details of the report in question, and confirmed the location and place of employment provided in the victim's statement was Alma's Café.

Mr. Chavira continued his rebuttal and explained details of his client's arrest and conviction in 2007. In regards to carrying a weapon, he stated that she had been granted a concealed weapon's permit because she had been a victim of crime. In regards to the conviction, she did not contest in order to elude jail time. Subsequent to the arrest she had no criminal record. The revocation of her ABC license was solely based on this conviction. Mr. Chavira provided a copy of a letter written by the real property owner of the business premises supporting the renewal of Ms. Delgado's Business license.

A discussion of details surrounding the 2007 search and arrest of Ms. Delgado ensued. Gabriel Yanez, Manager of the bar and upstairs apartments testified that the narcotics found during the search belonged to a tenant and Ms. Delgado only used part of the space for storage.

Mr. Chavira continued his dispute of the arrest reports provided by Deputy Hennessy. He argued that the arrests were not related to the bar. He summarized the details of each report and provided supporting points for his argument. He explained the origin of the arrests as either street related, personal disputes or occurring outside the premise and hours of operation. He concluded that these arrests should not be assumed directly related to Alma's Café.

The Commission recessed the session at 10:33 a.m.

The Commission reconvened at 10:42 a.m.

Mr. Chavira provided the hours of operation as follows:

- **Friday and Saturday:**
 - **Restaurant - 7 a.m. to 10 p.m.**
 - **Bar - 12 p.m. to 1:30 a.m.**
- **Sunday through Thursday the hours vary based on business volume.**

President Afriat reminded those present that the Commission's job is not to find reasonable doubt but to make a decision based on a preponderance of evidence. He added that given the environment of the location the owner and manager should act responsibly to minimize incidents.

Mr. Chavira addressed the unlicensed Karaoke entertainment and stated that Ms. Delgado only had the signage to advertise the plan for Karaoke and there had been no activity. He explained that the beer found by the Sheriff's during the 2011 inspection belonged to a tenant which had been given to him by Mr. Yanez after the ABC license was revoked. Mr. Yanez provided testimony to support this and maintained that alcohol is not being sold in compliance with ABC. A discussion ensued regarding discrepancies of the ownership of the beer.

Commissioner Lee questioned Deputy Hennessy on the accessibility of the bar's video monitoring tapes for investigations. Deputy Hennessy stated that management and employees had not been cooperative in providing video footage according to detectives he has spoken to.

Mr. Chavira informed the Commission that his client is planning to operate as a restaurant only and will remove all bar related fixtures. The restaurant hours will be 7 a.m. to 9 p.m. Sunday through Thursday and will close at 10 p.m. on weekends.

Mr. Chavira spoke on behalf of his client and stated that the gang activity has decreased significantly since 2007.

In concluding, Deputy Hennessy, added that Ms. Delgado was notified in advance of the recent inspection, called before arriving and was given ample time to prepare for the inspection. The fact that nothing was done showed a lack of responsibility as a business owner. In addition, Deputy Hennessy stated that it is highly unlikely Ms. Delgado had a concealed weapon's permit as stated in earlier testimony. Being a victim of crime is not a criterion for approving this type of license.

In closing, Mr. Chavira defended his client's questionable cooperation regarding the video tapes by reciting a police report which stated that the video tape had been viewed for investigative purposes.

The Commission proceeded with deliberations and determined that the evidence and testimony supported the Sheriff's recommendation to deny the business license.

Secretary Vasquez explained the reasons supporting her decision. She pointed out the excessive criminal activity surrounding the business, management's disregard for the rules and the discrepancies of testimony. She concluded by stating that the owner did not appear to have a clear operational plan and was not proactive in making the improvements and changes that would advocate keeping the business open. For instance, the owner was unaware of the exact hours of operation of the business, continued to display the karaoke sign, and knew of the September 29, 2011 inspection but did not prepare for it.

President Afriat supported the motion and stated that he was not persuaded that the owner wants to operate her business responsibly nor confident the business would be managed sufficiently to warrant allowing it to continue. He pointed out the code violations, unpermitted uses and illegal contructions as lack of responsibility on the owner's behalf to her employees and public. The insufficient oversight and control by management and evident history of rules not being followed is unhealthy for the community and contribute to the business being an attractive nuisance.

On motion of Secretary Vasquez, seconded by President Afriat, the Commission upheld the Sheriff's recommendation to deny Public Eating Business License ID #133203 for Rosa Delgado, Alma's Café & Bar.

Ayes: 3 - President Afriat, Secretary Vasquez and
Commissioner Lee

Attachments: [SUPPORTING DOCUMENT](#)

III. CONSENT CALENDAR

Note: President Afriat called Agenda No. 5 after Agenda No. 3.

5. Nine Month Review of Taxicab Driver Business License ID#137562, for Jorge R. Arvizu, Fiesta Taxicab Company, located at 6441 Stafford Avenue, Huntington Park, CA 90255 in the First District. (10-3065)

By common consent, there being no objection this item was continued to November 9, 2011 to allow time for the Treasurer and Tax Collector to review report.

Ayes: 4 - President Afriat, Vice President Campbell, Secretary Vasquez and Commissioner Lee

Attachments: [SUPPORTING DOCUMENT](#)

IV. REPORT

6. Commissioners' Comments. (11-4639)

The Commission reviewed the calendar for November 2011. The Commission agreed to cancel the meeting of November 2, 2011.

V. MISCELLANEOUS**Public Comment**

7. Opportunity for members of the public to address the Committee on items of interest that are within the jurisdiction of the Committee. (11-4638)

No members of the public addressed the Commission.

Adjournment

8. Adjournment for the meeting of October 26, 2011. (11-4640)

The Commission adjourned the meeting at 11:55 a.m. The next meeting is scheduled for November 9, 2011.